

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>JOSE L. GALLARDO,</b>	)	<b>CASE NO. 8:07CV00357</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
	)	
<b>ELIZABETH WATERMAN, et. al.,</b>	)	
	)	
<b>Respondents.</b>	)	

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, and an application to proceed in forma pauperis (IFP). The petitioner was incarcerated in the Nebraska Department of Correctional Services from 1996 until August 22, 2007. Since August 22, 2007, he has been detained in the Dawson County Correctional facility. His § 2241 petition seeking an emergency writ of habeas corpus was filed on September 10, 2007.

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee, (28 U.S.C. § 1914(a)) or leave of the court to proceed in forma pauperis. IFP applications must be filed in accordance with 28 U.S.C. § 1915(a)(2). The petitioner has not filed a copy of his institutional account statement in support of his IFP application as required under 28 U.S.C. § 1915(a)(2), and Dawson County Corrections facility has not responded to the clerk's written request for this information.

**IT IS ORDERED:**

1. On or before November 5, 2007, the petitioner shall file a copy of his institutional account statements from the Nebraska Department of Correctional Services and the Dawson County Corrections facility for the last six months, or a statement explaining why he cannot obtain and file this information.

2. The clerk shall send a second request for petitioner's trust account information to the Dawson County Corrections facility, and shall also send a request to the Nebraska Department of Correctional Services for petitioner's past account information dating back to April 1, 2007.
3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: November 5, 2007—deadline for submission of inmate account information.

DATED this 4<sup>th</sup> day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge